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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,080	08/27/2001	Seiichi Okamoto	213258US2SPCT	1950
22850	7590	04/28/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/926,080

**Applicant(s)**

OKAMOTO ET AL.

**Examiner**

Harish T Dass

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/6/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by

Forslund et al (hereinafter Forslund – US 6,250,557).

Re. Claim 1, Forslund discloses first communication means for communicating indirectly over a radio channel with a communication apparatus to be communicated through a base station (radiotelephone) [see entire document particularly, Abstract; Figures 1-2; C2 L38-L50; C3 L62 to C4 L22; C4 L62 to C5 L22; C9 L15 to C10 L15; claims], second communication means for communicating directly over a radio channel with a communication apparatus using radio waves of lower radio transmission power than said first communication means [C2 L38-L50; C4 L18-L22, C4 L62 to C5 L22] and electronic money payment means for transmitting information on electronic money to the communication apparatus, and for making payments in electronic money, said electronic money payment means communicating with the communication apparatus

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capable of conducting electronic commerce by said second communication means [C3 23-L35; C4 L40-L50; C5 L31-L39].

Re. Claim 2, Forslund discloses wherein said first communication means acquires information on electronic money from the communication apparatus [C3 23-L35; C4 L40-L50; C5 L31-L39].

Re. Claim 3, Forslund discloses electronic money information storage means for storing the information on electronic money [C4 L61-L2].

Re. Claim 4, Forslund discloses wherein the information on electronic money acquired from the communication apparatus is stored in said electronic money information storage means (Wallet) [C3 L30-L36].

Re. Claim 5, Forslund discloses wherein said electronic money payment means pays the information on electronic money stored in said electronic money information storage means to the communication apparatus by said second communication means [abstract; C4 L60-L62; C7 L25-L62].

Re. Claim 6, Forslund discloses wherein said second communication means communicates by means of Bluetooth radio communication (radio transmitter on a chip) [C4 L24-L26; C6 L25-L27 – bluetooth is a chip transmitter].

Re. Claim 7, Forslund discloses further comprising menu information acquisition means for acquiring menu information which indicates contents of service supplied over radio channels by the communication apparatus, said menu information acquisition means communicating with the communication apparatus capable of conducting electronic commerce through said second communication means (pay for airline ticket) [C4 L51 to C5 L44].

Re. Claims 8-9, Forslund discloses number-of-transactions storage (list) means for storing, for each of the communication apparatus, the number of transactions conducted with the communication apparatus capable of conducting electronic commerce through said second communication means, and menu information (games) storage means for storing menu information for the communication apparatus with the number of the transactions stored in said number-of-transactions storage means equal to or larger than a preset value (wallet resources), and number-of-transactions deciding means for deciding whether the number of transactions with the communication apparatus communicated by means of radio is equal to or larger than a preset value, owing to reference to information stored in said number-of-transactions storage means, when said second communication means communicates by means of radio with said communication apparatus capable of conducting electronic commerce; and display means for displaying the menu information for the communication apparatus stored in said menu information storage means, when said number-of-transactions deciding

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means decides that the number of transactions is equal to or larger than the preset value [Abstract; C1 L62 to C2 L15; C4 L51-L56; C8 L22 to C9 L15].

Re. Claim 10, Forslund discloses electronic money information storage means for storing information on electronic money (Wallet) [C3 L30-L36].

Re. Claim 11, Forslund discloses wherein said electronic money information storage means stores subscriber's information with which communication by said first communication means can be established [C2 L38-L50; C3 L62 to C4 L22; C4 L62 to C5 L22; C9 L15 to C10 L15; claims].

Re. Claims 12-13, Forslund discloses wherein said electronic money information storage means is removable, and wherein, in a case where electronic money is paid to the communication apparatus, when an amount of the electronic money is equal to or larger than a preset amount of electronic money and larger than a remaining amount of electronic money, a corresponding amount of the electronic money is withdrawn from a bank account by use of said first communication means, and when an amount of the electronic money is less than the preset amount of electronic money and equal to or less than a remaining amount of electronic money, a corresponding amount of the electronic money is withdrawn from said electronic money information storage means [C7 L63 to C8 L621].

Re. Claim 14, Forslund discloses first communication means for communicating indirectly over a radio channel with a communication apparatus to be communicated through a base station, said first communication means communicating with the base station [see entire document particularly, Abstract; Figures 1-2; C2 L38-L50; C3 L62 to C4 L22; C4 L62 to C5 L22; C9 L15 to C10 L15; claims], second communication means for communicating directly over a radio channel with a communication apparatus using lower radio transmission power than said first communication means [C2 L38-L50; C4 L18-L22, C4 L62 to C5 L22], first electronic money storage means for storing information on electronic money, and for storing subscriber's information with which communication by said first communication means can be established [Figures 1-2; C1 L12-L23; C2 L38-L50; C3 L62 to C4 L22; C4 L62 to C5 L22; C9 L15 to C10 L15; claims], second electronic money storage means for storing information on electronic money, said second electronic money storage means storing the information with a different standard from a standard of said first electronic money storage means [C1 L14; C4 L15 (SIM and RAM or ROM or wallet)], and electronic money payment means for transmitting the information on electronic money stored in at least one of said first electronic money storage means and second electronic money storage means to the communication apparatus, and for making payments in electronic money, said electronic money payment means communicating with the communication apparatus capable of conducting electronic commerce by said second communication means [C3 23-L35; C4 L40-L50; C5 L31-L39].

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Re. Claim 16, Forslund discloses wherein said second electronic money storage means is removable (SIM) [C1 L15].

Re. Claims 17-18, Forslund discloses electronic money transfer means for transferring information on electronic money between said first electronic money storage means and said second electronic money storage means and electronic money withdrawal means for withdrawing information on electronic money through at least one of said first communication means and said second communication means, and for storing the information in said second storage means [C7 L63 to C8 L9].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslund.

Re. Claims 15 and 19-20, Forslund does not explicitly disclose wherein said first communication means acquires information on electronic money from the communication apparatus, and stores the information on electronic money in said first



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and second electronic money storage means and electronic money payment means pays the information on electronic money stored in at least one of said first electronic money storage means and second electronic money storage means to the communication apparatus by said second communication means, and wherein, in a case where electronic money is paid to the communication apparatus, when an amount of the electronic money is equal to or less than an amount of the electronic money in said first electronic money storage means, information on electronic money is withdrawn from said first electronic money storage means, and when an amount of the electronic money is greater than an amount of the electronic money in said first electronic money storage means and is equal to or less than a total amount of the electronic money in said first electronic money storage means and the electronic money in said second electronic money storage means, information on electronic money is transferred from said second electronic money storage means to said first electronic money storage means, and information on electronic money is withdrawn from said first electronic money storage means.. However, it is well know that smart cards (IC cards) have multiple storage wallets where different data (money wallets) can be stored to store balance for different cards, spending limits, deposit amount, statement, etc in different memory sector and data can be transferred from one storage to another. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of modify disclosure of Forslund and include multiple storage to manage the credit card accounts for balance, deposit, transfer between accounts, withdrawal, etc.

### **Conclusion**

Claims 1-20 are rejected.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action. .

*Kjell Sand, March 4th, 1999 "Tik-111.550 Seminar on Multimedia - Bluetooth", Telecommunications Software and Multimedia Laboratory, Helsinki University of Technology, discloses student presentation in the seminar on Multimedia at Helsinki University of Technology. It is about Bluetooth, the codename for a technology specification for small form factor, low-cost, short-range radio links between mobile PCs (device), mobile phones (base unit) and other portable devices (smart card reader). It describes the specification about the technology and gives some examples about the applications and how it can be used. It also includes comparison to other similar and competing technologies. Because it is a very new specification almost all information about it has been derived from the Internet.*

*US 5,539,825 to Akiyama, July 23, 1996 "Electronic cashless transaction system" discloses a security enhancement for an electronic cashless transaction system comprising elements such as a bank center, a bank ATM (automatic teller machine) [e.g. a modified CD (cash dispenser)], an IC (Integrated Circuit) card [e.g. an IC smart card or an IC memory card] and a store transaction terminal [e.g. a modified POS (point of sales) terminal]. [A store is defined as a retailer, a wholesaler, a shop storage area or the like.] More specifically, it relates first to a system for controlling a key necessary for authenticating elements in proper operations of the electronic cashless transaction system and second to a money transfer system for enhancing the security of transferring money stored in the IC card.*

*US 6,519,233 to Gutierrez, February 11, 2003 "Subscriber unit burst mode reservation in a code division multiple access wireless communication system" discloses a CDMA communication system supports designated mode data bursts on a reverse link contention based channel from a subscriber unit to a base station. The reverse link contention based channel also supports contention-based transmissions from the subscriber unit to the base station. When transmissions are scheduled and serviced in the designated mode data burst, collisions are avoided. Further, because setting up the designated mode data bursts on the reverse link contention based channel require little overhead as compared to the setup of a traffic channel the CDMA system is operated at a greater efficiency.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Harish T Dass  
Examiner  
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*Harish T Dass*